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BOARD OF SELECTMEN

MEETING MINUTES

September 16, 2008

The Board of Selectmen met in the Town Hall as scheduled with Thomas A. Alonzo, Paula Bertram, Thomas J. Mason, David J. Matthews and Kerry A. Speidel, CAFO present; Steven M. deBettencourt was absent. Regular Meeting opened at 7:00 PM with the Pledge of Allegiance.

Public Comment

Announcements

Hazardous Waste Day for the Town is being held on Saturday, September 27, 2008 from 9:00 AM -1:00 PM at the Lunenburg DPW, 520 Chase Road (Route 13). Pre-registration is required and can be done on line at www.MassToss.com or can call Tessa at 978-660-6130.

Tom thanked Bob Gniot who presented a tribute to those who lost their lives on September 11 in the Twin Towers in New York. He held a slide show at the Gazebo on the Lower Common. He said it was very moving and was pleased to see that a good number of people turned out for the tribute.

Tom also mentioned that Kathleen Comeau, our Animal Control Officer, was in the horse show at the Big E in Springfield and won two races. Dave Rodgers, who was in the audience, was also at the Big E as well as being in Louisville KY a few weeks earlier where Kathy's horse won the world class championship. He said it was an honor to have someone in little Lunenburg with that caliber of achievement. Jay Larkin, a blacksmith and a former resident of Lunenburg was also in Kentucky working with these world class horses.

Appointments

1. **7:10 PM – Interview – Martha McDonald** – a motion was made and voted unanimously to approve the appointment of Martha McDonald to the Finance Committee; term to expire on 06/30/09. She has 25 years of management experience in all aspects of finance and accounting.

Current Business

1. **Minutes** - none
Warrants – 09/07/08 W#6P09 \$653,016.51; 09/09/08 W# 11 09 \$358,910.77 & 09/16/08 #12 09 \$524,103.96 signed
2. **Action File Issues** – Dave wanted to know if there was any action on the Ferrari dog complaint and Kerry stated that one adult dog and three puppies are still on the property. Complaints are still coming in about the noise from neighbors. She spoke with Mr. Ferrari's son and he said that they are not filing an appeal. According to Town Counsel it's a difficult situation as no one can enter the property to see if he still is running a kennel. He is not in compliance with the requirements set forth by the Board. Kerry said she will have the Dog Officer monitor the situation.
3. **Temporary Workspace Agreement/Tennessee Gas Pipeline**- John Gavin of Tennessee Gas Pipeline came before the Board for approval on the temporary workspace agreement. He said there is an 84% of the land owners have come to a voluntary agreement with the company and six out of the seven remaining residents are in various stages of working toward an agreement. He assured the land owners that the landscaping and restoration will be completed when the project is done. The only change on the agreement is changing from 60' to 55'. The access is off Pleasant Street at the utility substation which is farther down the road and not at the hairpin curve. Town will receive \$1200.00 for the use of the property. Motion was made and seconded to unanimously approve the workspace agreement as presented.
4. **RFP – Old Primary School**- the request for proposals that was discussed last week has been updated with the addition of Title 5 compliance. Intent of the RFP is based on "as is" condition of building and up to the person making proposal to bring it into compliance.

5. **Special Legal Counsel Request-Zoning Board of Appeals** – re: Donald Bowen, Chair of the Zoning Board of Appeals came before the Board to ask that they retain the same counsel, Daniel C. Hill who previously handled the 40B project known as Lunenburg Village. Presently counsel for the Town is Kopelman & Paige and the Board questioned why they wouldn't use them and Don explained that they are under a time constraint and Mr. Hill is very experienced in 40B and was familiar with this project. Board voted to approve the request to retain Attorney Daniel C. Hill.
6. **Levite Property- Right-of-first-Refusal** – Tom made a motion and Paula seconded and it was unanimously approved to open the hearing on the Levite Property and the right of first refusal. Peter Holman, 297 Howard Street spoke regarding the STM which was held on September 9th and the Town's vote to **NOT** purchase the Levite property (it failed by four votes). According to Tom, Town Counsel said they could reopen the purchasing of the property but he'd have to be convinced that this would be the in the best interest of the Town. Mr. Holman as well as other residents (Mr. Bodkin, Mr. Lahti, Erin Lahti & Carolyn Finch) felt that the power-point presentation was excellent but were very disappointed that it failed by only four votes. Dave Rodgers said that the vote was taken and should stand as is and if anyone had wanted to make a motion to revote the issue they should have done so at town meeting. No motion was made by the Board to reopen the right of first refusal and the public hearing was closed.
7. **CAFO Updates** –
 - mid afternoon today the Fire Department responded to a fuel delivery truck that went off the side of the road into a trench. It was responding to fill up the equipment working at Meadow Woods. The Fire Department estimated that prior to their arrival approximately 2 gallons of fuel from the tank had spilled. About 5 gallons came out of the vehicle but was contained and the contaminated soil was removed and disposed of properly. Meadow Woods project is going along on schedule.
 - a contract was awarded for tree work and will begin within the new few weeks. The Tree Warden has a list to trees that either need to be taken down or trimmed. There is fairly large tree that has decayed from the inside on the lower common that needs to be taken down as soon as possible. It is close to the gazebo and with heavy winds could easily fall.

Old Business

1. **Committee Updates** –

a motion was made and voted unanimously to have Dave Matthews serve as the Selectmen's representative on the Ad Hoc School Advisory Committee. This committee will consist five members; 2 members of the school committee, a designee from the Board of Selectmen, and 2 members of the community. The purpose of the committee is to investigate the challenges, opportunities and costs over the next several years of a single Town of Lunenburg school district.

Dave Matthews attended the September 3rd meeting of the School Committee and everything went fairly smoothly on opening day. This year there are 1,701 students, 37 fewer than last year. The Committee reviewed the new curriculum development items and announced receiving grants in the amount of \$110,000. Regionalization Committee is making head way/

Paula gave an update of the Planning Board Meeting and Sewer Commission Meetings:

 - Verizon proposing to locate a cell tower on the Water Departments water tower
 - The 319 Grant is making significant progress-plan to open the dam one week earlier than usual
 - Aro Estates was approved – waiting for conceptual plan
 - working on updating the Master Plan/updating land use/evaluation sites for 43D
 - CVS purchased property on the corner of Electric Avenue and Whalom Road
 - looking into a complaint on Lena Lane regarding the curbing
 - Sewer Commissioners / Tri-town Phase – Department of Housing & Community Development (DHCD) accepted the new partners of Tri-Town. Marion Benson, Planning Board Director went to Rochester NH to see the project the developers have in Rochester and was very impressed. Phase 1 will have 66 units. Awaiting water and revised Inter-municipal Agreement with Fitchburg. The developer is concerned with the financial impact the connection fees will have for each unit.
 - Sewer Commissioners will hold a workshop on September 22nd at 5:30 PM to discuss the Comprehensive Wastewater Management Plan (CWMP). The Commission received notice that the City of Fitchburg has increased their sewer rates to \$5.60 and our rate is \$5.40. This matter will have to be addressed by the Commissioner; can't operate at a \$.20 deficit.

Tom Mason was unable to attend PACC Meeting but said that they are working on policies and procedures and are working with the library director to put editing equipment in the library. They are also working with the High School to set up a video club.

Committee Appointments-Reappointments-Resignations

1. **Lunenburg Cultural Council**, Susan Rowe – Susan is unable to make Tuesday evening meetings and upon the recommendation of Sharon Yousey, Chair of the Lunenburg Cultural Council, the Board voted unanimously to approve the appointment of Susan to the Lunenburg Cultural Council.
2. **Dam Keeper** – Board voted and unanimously approved the appointment of Earl Graves of Reservoir Road as the **Dam Keeper** and Ron Wilson of Reservoir Road was unanimously approved and appointed as the **Assistant Dam Keeper**.

Carl Luck of Lake Shirley informed the Selectmen that he felt that there was a qualified person who could be Assistant Dam Keeper who is not involved with the Lake Shirley Improvement Corporation. He felt that could be a conflict of interest as Mr. Wilson is on the LSIC. It was also mentioned that Steve deBettencourt was involved with the opening and closing of the dam and members of the Board felt that since this is owned by the Town that all members should be involved. Tom said that the Board are stewards of the dam and they must be kept up to date on what it going on there and records need to be kept.

PACC – motion was made and seconded to appoint Spencer Matthews of Mulpus Road as a member of the Public Access Cable Committee. David Matthews recused himself from the vote.

Executive Session

1. **Contract Deliberations**

Being no further business the Board voted unanimously to adjourn Regular Session at 9:45 PM by a roll call vote: Tom Alonzo; yes; Paula Bertram; yes, Thomas Mason; yes, and David J. Matthews and open Executive Session at this time. They will not be returning to Regular Session.

Respectfully submitted

Linda H. Douglas, Administrative Assistant
Board of Selectmen